

REMARKS

Claims 1-17, 19-21 are pending in the present application. In an Office Action mailed August January 26, 2005, the Examiner rejected claims 1-17, and 19-21.

CLAIM REJECTIONS – 35 U.S.C. §102

The Examiner rejected claim 21 under 35 U.S.C. § 102(b) as being anticipated by Odell et al.

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.

As currently amended, Odell does not disclose:

A door and frame in combination with an air handling unit for a commercial building, wherein the door and frame can withstand a pressure differential of greater than six inches of air pressure.

Odell is directed to aircraft door assemblies, not to an air handling unit for a commercial building.

Claim 21 is therefore allowable.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner rejected claims 1-4, 8-11 and 15 under 35 U.S.C. § 103(a) as unpatentable over allegedly admitted prior art in Fig. 1 in view of McDonald, Ryan and Gamow. Applicant respectfully traverses this rejection as prospectively applied to the amended claims.

For a rejection under 35 U.S.C. § 103(a) to be proper, both references when combined must disclose every element and limitation of the claim to which the references are applied. As to amended claim 1, the cited references do not teach:

A door and frame in combination with an air handling unit for a commercial building, the combination comprising:

- (a) a frame;
- (b) a hinged door engaging the frame, the door comprising a front wall, rear wall, and side walls enclosing a hollow core and insulating material filling the hollow core; and
- (c) a gasket between the door and the frame, the gasket further comprising a flexible gasket wall with anti-roll extensions;

wherein the door and frame can withstand a pressure differential of greater than six and one-half inches of air pressure.

Accordingly, a rejection as obvious under § 103(a) is inapposite. Claim 1 is therefore allowable.

Gamow is also non-analogous art.

Shirashi is non-analogous prior art. To rely on a reference under 35 USC 103, it must be prior art.¹ "In order to rely on a reference as the basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor is concerned."²

"A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."³

¹ MPEP 2141.01(a)

² id.

³ id. (citing *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992))

As to Gamow, it is clearly not in the field of Applicant's endeavor. Gamow is also not reasonably pertinent to the particular problem with which the inventor is concerned, which is a door for an air handling unit on a commercial building. Gamow deals with the problem of a portable hypobaric chamber which is capable of maintaining at least about 0.1 psi below ambient air pressures. Col. 2 lines 59-63. A person of ordinary skill in the art would not reasonably have expected to solve the problem of a door for an air handling unit on a commercial building by considering a reference dealing with a portable hypobaric chamber which is capable of maintaining at least about 0.1 psi below ambient air pressures.

Claims 2-4 and 8 contain additional elements or limitations beyond allowable claim 1 and are also allowable.

Claims 9-11 are allowable for the reasons given above in regard to claim 1.

Claim 15 contains additional elements or limitations beyond allowable claim 9 and is also allowable.

The Examiner rejected claims 5 and 12 under 35 U.S.C. § 103(a) as unpatentable over allegedly admitted prior art in view of McDonald, Ryan and Gamow as applied to claims 1-4, 8-11 and 15, and further in view of Colliander.

Claim 5 contains additional elements or limitations beyond allowable claim 1 and is also allowable.

Claim 12 contains additional elements or limitations beyond allowable claim 9 and is also allowable.

The Examiner rejected claims 6, 7, 13, and 14 under 35 U.S.C. § 103(a) as unpatentable over allegedly admitted prior art in Fig. 1 in view of McDonald, Ryan and Gamow as applied to claims 1-4, 8-11 and 15, and further in view of Jansen.. Applicant respectfully traverses this rejection as prospectively applied to the amended claims.

Claims 6 and 7 contain additional elements or limitations beyond allowable claim 1 and are also allowable.

Claims 13 and 14 contain additional elements or limitations beyond allowable claim 9 and are also allowable.

The Examiner rejected claims 16, 17, 19 and 20 under 35 U.S.C. § 103(a) as unpatentable over allegedly admitted prior art in view of McDonald, Ryan and Gamow as applied to claims 1-4, 8-11 and 15, and further in view of Colliander and Jansen. Applicant respectfully traverses this rejection as prospectively applied to the amended claims.

Claim 16 is allowable for the reasons given above with respect to claim 1.

Claims 17, 19, and 20 contain additional elements or limitations beyond allowable claim 16 and are also allowable.

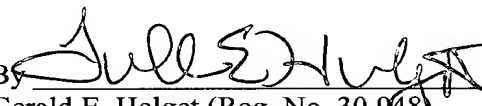
In view of the above remarks, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of Applicant's remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

Respectfully submitted,

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